

**IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DIVISION
OF TENNESSEE AT MEMPHIS:**

RECEIVED

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Wendy R Oliver, Clerk
U.S. District Court
W.D. OF TN, Memphis

Shelby County, Environmental Court

Shelby County, Tennessee, General Sessions Court,

Criminal Division, referred to as Environmental Court; &

Memphis Division of Public Works,

Case No; 2:23-CV-02653

Code Enforcement, City of Memphis

Plaintiff(s)

Vs,

Willie Gordon

Defendant/pro-se

MOTION FOR LEAVE OF COURT TO {"STAY"} STATE COURT PROCEEDINGS

Comes now the defendant Willie Gordon {"hereinafter"} defendant pro-se pursuant to Federal rules of Civil procedure 7.02 et.seq, and {"All"} other {"applicable"} rules of court and U.S.C.A. statues and ask this court to issue an {"Order Staying"} all state court proceedings, pending outcome of the petition for removal to federal court.

On the 17th day of November 2023, defendant was summoned to state environmental by the presiding judge and informed that the state court action

would proceed on too {"Trial"} in the month of December, regardless of the Federal Court's potential intervention and or pending outcome of the request for removal from state court to Federal Court.

Defendant is being subjected to numerous {"Federal Constitutional Violations"}, as is mention/stated in the initial complaint.

Defendant has no other remedy, but to seek this {"Order of Stay"} from this Honorable Court.

Unless this Honorable Court intervenes and issues the {"Order of Stay"} of the state court proceedings, {"Pending outcome"} of the Federal Court's decision of removal, then defendant will suffer {"serious irreparable"} harm, as the state court judge specifically stated {"Quote"}, We're going to go ahead and set this matter for trial, so we can send a Bulldozer out there to your property and remove the debris"} {unquote}. Thus referring to my personal property.

Federal laws and {"Constitutional Rights"} gives the Federal Courts considerable authority over State Laws and State Court actions that are Consistent with its powers under the U.S. Constitution, U.S. Const. art. I, § 8, cl. 4, Congress has enacted several statutes with respect to removal, when {"A Citizen's Constitutional rights are at stake

Here, in this particular case, the defendant Willie Gordon is face with the very real possibility that his 4th amendment right to be free from {"unreasonable search and subsequent seizure"} of his personal property, as well as his 14th Amendment right to Due Process and {"Equal protection"} of the law is in jeopardy of being and or is currently being violated by state court officials.

In deciding whether to grant a preliminary injunction, the federal courts should be guided by asking numerous questions. {1} has the plaintiff established "that he is likely to succeed on the merits"? {2} would the plaintiff likely suffer "irreparable harm in the absence of preliminary relief"? & {3} Does the

“balance of equities” tip in the plaintiff’s favor? And does “the public interest” favor an injunction?

Winter v. Nat. Res. Def. Council, Inc., 555 U.S. 7, 20 (2008). The 6th Circuit Appellate Courts, review the district court’s ultimate decision whether to grant a preliminary injunction for abuse of discretion, and evaluate its legal determinations, “including the likelihood of success on the merits,” with fresh eyes. Union Home Mortg. Corp. v. Cromer, 31 F.4th 356, 366 (6th Cir. 2022). The 6th Circuit normally starts, and largely stops, with the likelihood-of-success inquiry.

Defendant Gordon believes that the {“Numerous Constitutional violations”} alone, satisfy the {“sic”} “likelihood-of-success inquiry”;

Additionally; Constitutional standing.....

Article III of the U.S. Constitution permits federal courts to adjudicate “cases or controversies,” not any political dispute that happens to arise between the state and federal executive branches. To have standing to remove this lawsuit from the state to the Federal Courts, the defendants must show that they have suffered an “injury in fact” “caused” by the Guidance that a favorable decision would “redress.” Lujan v. Defs. Of Wildlife, 504 U.S. 555, 560–62 (1992).

Certainly a state court’s potential order to bulldoze a U.S. Citizen’s personal property constitutes {“sic”} an “injury in fact” “caused” by the Guidance that a favorable Federal Court decision would “redress.

Wherefore premises considered, defendant ask tis Honorable Court for the following relief in this matter;

1. Issue an {“Order Staying”} {“All”} state court proceedings, pending outcome of the Federal Court’s decision of removal.
2. Any other relief this court deems just, fit and property in the interest of Fundamental {“Constitutional Rights”}.

I, Willie Gordon certify that an exact copy of the foregoing
has been forwarded to the following;

! Jennifer Sink/Attorney at Law/125 North Main St. Memphis TN 38103

This 17th day of November 2023

By; Willie Gordon

Willie Gordon

**923 Tully Street
Memphis, TN 38107
901-613-2516**